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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/417,604	10/14/1999	AKIRA ISHINO	8005.166USO	7641
22434	7590	10/23/2003		
BEYER WEAVER & THOMAS LLP P.O. BOX 778 BERKELEY, CA 94704-0778			EXAMINER KIM, EUGENE LEE	
			ART UNIT 3721	PAPER NUMBER 26
DATE MAILED: 10/23/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/417,604

Applicant(s)

ISHINO ET AL.

Examiner

Eugene L Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7-13, 15, 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 7-13, 15, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa et al in view of Bennett and Fine (#4,548,024).
Nakagawa et al show a packaging system which transports a bag-making film along a path while forming said film into a tubular form, fills the tubular formed film with articles and seals the film to produce a packaged product. Nakagawa et al show input means that comprise a touch screen adapted to display different images for specifying the size of the bags. Input means 40 may be used to input various action parameters for the operation of the packaging machine. Nakagawa et al disclose memory means 21 wherein data is stored in the computer (col 7 lines 35+). Nakagawa et al show controllers 54, 56, 85 to process the operation. The user specifies/inputs the articles to be packaged which reads on inputting specified ones of packaging conditions. The corresponding data are retrieved from the memory means 21. The operating means calculates control parameters for various elements, such as the seal jaws and belts. Nakagawa et al do not disclose print data memory and packaging characteristics as claimed. The specification p.1 discloses that it is known to incorporate a packaging machine and a printer for making packages. Bennett shows forming a film in a form fill

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seal operation wherein printing means are used to print predetermined information on the webs (col 5 lines 15+). Furthermore, Bennett discloses that it is known with respect to the film to print on the film with predetermined information (col 1 lines 35+). Bennett shows control unit 45 which acts as a processing mechanism to print on the webs.

Bennett also discloses that the printing operation is operational even if the length of the bag or the feed speed of the film is changed (col 9 lines 7+). This infers that Bennett has control means that have data for different feed speeds and lengths of the web.

Otherwise, the apparatus would not be able to accommodate different lengths of the webs or feed speeds automatically. Bennett also discloses that it is known to print predetermined information in a form-fill-seal operation and a continuous printer type printing on the film while rotating a printing unit in synchronism with the running film.

(col 1 lines 45-48). Fine discloses the use of using a printer that contains and prints package data and shows three different print formats (col 11 lines 55+). This infers that the data is stored and correlated appropriately with printable package data.

Furthermore, the data is inputted either manually or automatically (col 10 lines 40+). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Nakagawa et al with printing means as taught by Bennett and Fine respectively to print onto a web in a continuous and adjustable manner and to print predetermined packaging data information respectively to promote manufacturing expediency as well as to label products with predetermined packaging data information.

3. Applicant's arguments with respect to claims *supra* have been considered but are moot in view of the new ground(s) of rejection. Examiner has applied a new reference


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to teach the concept of the printing correlated data which rebuts applicants arguments and affidavit stating that it is not obvious to use print correlating means as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene L Kim whose telephone number is 703 308-1886. The examiner can normally be reached on Tuesday-Friday 8 a.m. to 6 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703 308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1148.



EUGENE KIM
PRIMARY EXAMINER